

REMARKS

Upon entry of this amendment, claims 18 and 27 to 31 will be pending. Nonelected claims 1 to 17 and 19 to 26 are canceled without prejudice to prosecution at a later date. Claim 18 is amended to recite “[a] method of diagnosing stomach tumor in a test mammal comprising the steps of i) determining the amount of an adiponectin receptor 1 (AdipoR1) polynucleotide comprising SEQ ID NO: 5 in a sample of said test mammal, and ii) comparing the amount of said AdipoR1 polynucleotide from said sample to the amount of AdipoR1 polynucleotide comprising SEQ ID NO: 5 in a sample of a mammal that does not suffer from stomach tumor, wherein said sample is a sample of stomach tissue; and wherein the amount of AdipoR1 polynucleotide in the sample is indicative of the test mammal having stomach tumor if AdipoR1 is underexpressed in said sample of stomach tissue of said test mammal relative to said sample of stomach tissue said mammal that does not suffer from stomach tumor.” Claims 27 to 31 are added. Exemplary support for the amendment to claim 18 and for new claims 27 to 31 is located in Example 2 of the specification. No new subject matter is introduced.

Objections to claim 18 for reciting nonelected subject matter and for reciting the phrase “and/or” have been raised. Withdrawal of the objections is requested in light of the amendment to claim 18.

Claim 18 is rejected under 35 U.S.C. § 112, first paragraph, for alleged failure to comply with the enablement requirement. Applicants disagree with the rejection but, in an effort to advance prosecution of the application and without conceding the propriety of the rejection, have amended claim 18 to recite “[a] method of diagnosing stomach tumor in a test mammal comprising the steps of i) determining the amount of an adiponectin receptor 1 (AdipoR1) polynucleotide comprising SEQ ID NO: 5 in a sample of said test mammal, and ii) comparing the amount of said AdipoR1 polynucleotide from said sample to the amount of AdipoR1 polynucleotide comprising SEQ ID NO: 5 in a sample of a mammal that does not suffer from stomach tumor, wherein said sample is a sample of stomach tissue; and wherein the amount of AdipoR1 polynucleotide in the sample is indicative of the test mammal having stomach tumor if

AdipoR1 is underexpressed in said sample of stomach tissue of said test mammal relative to said sample of stomach tissue said mammal that does not suffer from stomach tumor.” Because it would not have required undue experimentation in light of the skill in the art at the time of the invention and the present disclosure, particularly in Example 2 and Table 1, for one of ordinary skill in the art to practice the presently claimed methods, withdrawal of the rejection is requested.

Claim 18 is further rejected under the first paragraph of section 112 for alleged failure to comply with the written description requirement. Applicants disagree with the rejection but, in an effort to advance prosecution of the application and without conceding the propriety of the rejection, have amended claim 18 to recite an adiponectin receptor 1 (AdipoR1) polynucleotide comprising SEQ ID NO: 5. Withdrawal of the rejection is requested.

Claim 18 also is rejected under the second paragraph of section 112 for alleged failure to particularly point out and distinctly claim the subject matter regarded by applicants as the invention. Applicants disagree with the rejection. Nonetheless, in an effort to advance prosecution of the application and without conceding the propriety of the rejection, applicants have amended the claim as set forth above. Withdrawal of the rejection is respectfully requested.

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PATENT

Conclusion

Applicants believe that the foregoing constitutes a full and complete response to the Office Action of record. An early and favorable action on the merits is respectfully requested. Should any issues remain unresolved by the present response, the examiner is invited to contact the undersigned at 215.564.8978.

Respectfully submitted,

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